




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
AIR AND RADIATION

June 17, 2021

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Alejandra Nunez  Alejandra Nunez
Deputy Assistant Administrator for Mobile Sources

Digitally signed by Alejandra Nunez
Date: 2021.06.17 23:35:19 -04'00'

TO: Joseph Goffman
Acting Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon any of the following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS		
Amazon	Netflix	SunRun Inc.
Kering	Peloton Interactive, Inc.	Uber Technologies, Inc.
Microsoft	QUALCOMM	Zoom Video Communications, Inc.

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST – SECTORS	
Communication Services (Entertainment, and Interactive Media and Services)	Consumer Services
Electrical Equipment (limited to Solar Energy Systems)	Food and Staples Retailing
Internet and Direct Marketing Retail	Leisure Products
Semiconductors	Software and Services
Technology Hardware and Equipment	Textiles, Apparel and Luxury Goods

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Sierra Club, Coalition for Green Capital, or the Clean Energy Federal Credit Union**, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service, or until January 31, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following matters:

CASE NAME:	CITATION:
Union of Concerned Scientists, <i>et al.</i> v. National Highway Traffic Safety Administration	No. 19-1230 (D.C. Cir.) (lead case)
Sierra Club, <i>et al.</i> v. Environmental Protection Agency, <i>et al.</i>	No. 19-1243 (D.C. Cir.) (consolidated)
Competitive Enterprise Institute, <i>et al.</i> v. National Highway Traffic Safety Administration, <i>et al.</i>	No. 20-1145 (D.C. Cir.) (lead case)
Natural Resources Defense Council, <i>et al.</i> v. Andrew R. Wheeler, <i>et al.</i>	No. 20-1168 (D.C. Cir.) (consolidated)
Truck Trailer Manufacturers Association v. Environmental Protection Agency, <i>et al.</i>	No. 16-1430 (D.C. Cir.)
American Lung Association, <i>et al.</i> v. Environmental Protection Agency, <i>et al.</i>	No. 19-1140 (D.C. Cir.) (lead case)
Appalachian Mountain Club, <i>et al.</i> v. Environmental Protection Agency	No. 19-1166 (D.C. Cir.) (consolidated)
Biogenic CO2 Coalition v. Environmental Protection Agency, <i>et al.</i>	No. 19-1185 (D.C. Cir.) (consolidated)
State of North Dakota v. Environmental Protection Agency	No. 15-1381 (D.C. Cir.)

DIRECTIVE AND CONCLUSION

To avoid participating in matters from which I am recused, please direct them to the attention of **Ann Ferrio, Chief of Staff**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Ann (Campbell) Ferrio, Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
AIR AND RADIATION

August 18, 2021

MEMORANDUM

SUBJECT: Updated Recusal Statement

FROM: Alejandra Nunez **Alejandra Nunez** Digitally signed by Alejandra Nunez
Deputy Assistant Administrator for Mobile Sources Date: 2021.08.18 23:02:56 -04'00'

TO: Joseph Goffman
Acting Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations. This recusal statement supersedes my June 17, 2021 recusal statement.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon any of the following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS	
Amazon	Peloton Interactive, Inc.
Expeditors International of Washington, Inc.	QUALCOMM
Kering	SunRun Inc.
Microsoft	Uber Technologies, Inc.
Netflix	Zoom Video Communications, Inc.

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST – SECTORS	
Communication Services (Entertainment, and Interactive Media and Services)	Consumer Services
Logistics Services	Food and Staples Retailing
Internet and Direct Marketing Retail	Leisure Products
Semiconductors	Software and Services
Technology Hardware and Equipment	Textiles, Apparel and Luxury Goods
Electrical Equipment (limited to Solar Energy Systems)	

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Sierra Club, Coalition for Green Capital, or the Clean Energy Federal Credit Union**, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service, or until January 31, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following matters:

CASE NAME:	CITATION:
Union of Concerned Scientists, <i>et al.</i> v. National Highway Traffic Safety Administration	No. 19-1230 (D.C. Cir.) (lead case)
Sierra Club, <i>et al.</i> v. Environmental Protection Agency, <i>et al.</i>	No. 19-1243 (D.C. Cir.) (consolidated)
Competitive Enterprise Institute, <i>et al.</i> v. National Highway Traffic Safety Administration, <i>et al.</i>	No. 20-1145 (D.C. Cir.) (lead case)
Natural Resources Defense Council, <i>et al.</i> v. Andrew R. Wheeler, <i>et al.</i>	No. 20-1168 (D.C. Cir.) (consolidated)
Truck Trailer Manufacturers Association v. Environmental Protection Agency, <i>et al.</i>	No. 16-1430 (D.C. Cir.)
American Lung Association, <i>et al.</i> v. Environmental Protection Agency, <i>et al.</i>	No. 19-1140 (D.C. Cir.) (lead case)
Appalachian Mountain Club, <i>et al.</i> v. Environmental Protection Agency	No. 19-1166 (D.C. Cir.) (consolidated)
Biogenic CO2 Coalition v. Environmental Protection Agency, <i>et al.</i>	No. 19-1185 (D.C. Cir.) (consolidated)
State of North Dakota v. Environmental Protection Agency	No. 15-1381 (D.C. Cir.)

DIRECTIVE AND CONCLUSION

To avoid participating in matters from which I am recused, please direct them to the attention of **Ann Ferrio, Chief of Staff**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Ann (Campbell) Ferrio, Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Dan Utech
Chief of Staff

Utech, Dan

Digitally signed by Utech,
Dan
Date: 2021.04.12
11:31:07 -04'00'

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Based on the current level of ownership, I understand that I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon any of the following entities as a specific party:

RECUSAL LIST - NAME OF COMPANY		
Donaldson Inc.	Intel	Paychex

Based on my ownership interest in Paychex, I also understand that I am recused from participating personally and substantially in any particular matter of general applicability that is focused in the following sector: **private sector payroll, human resources and benefits outsourcing services**. I have consulted with OGC/Ethics and been advised that my official duties as Chief of Staff are not expected to involve particular matters of general applicability affecting Paychex. Should a particular matter nevertheless arise that appears to be focused in this sector, then I will consult with OGC/Ethics before participation. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer – **Yale University** -- or any of my former clients -- the **Energy Foundation**, the **Center for Applied Environmental Law and Policy**, and **Clean Wisconsin** -- is a party or represents a party. For the purposes of the Executive Order, I had no other “former clients” to whom I provided consulting services while self-employed as a consultant, and my consultancy is in abeyance and not taking on any new clients. I understand that my recusals regarding Yale University; the Energy Foundation; the Center for Applied Environmental Law and Policy; and Clean Wisconsin will last for two years from the date that I joined federal service. These recusals will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Alison Cassady, Deputy Chief of Staff for Policy, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Deputy Chief of Staff for Policy without my knowledge or involvement.

If the Deputy Chief of Staff for Policy determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with

OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Alison Cassady, Deputy Chief of Staff for Policy
Dorien Blythers, Deputy Chief of Staff for Operations
Wes Carpenter, Acting Deputy Chief of Staff
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Updated Recusal Statement

FROM: Dan Utech
Chief of Staff

DAN UTECH

Digitally signed by DAN
UTECH
Date: 2021.08.05
07:35:08 -04'00'

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed. This recusal statement supersedes my April 12, 2021 recusal statement.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer – **Yale University** -- or any of my former clients -- the **Energy Foundation**,

the **Center for Applied Environmental Law and Policy**, and **Clean Wisconsin** -- is a party or represents a party. For the purposes of the Executive Order, I had no other “former clients” to whom I provided consulting services while self-employed as a consultant, and my consultancy is in abeyance and not taking on any new clients. I understand that my recusals regarding Yale University; the Energy Foundation; the Center for Applied Environmental Law and Policy; and Clean Wisconsin will last for two years from the date that I joined federal service. These recusals will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Alison Cassady, Deputy Chief of Staff for Policy, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Deputy Chief of Staff for Policy without my knowledge or involvement.

If the Deputy Chief of Staff for Policy determines that a particular matter will directly involve any of the entities on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Alison Cassady, Deputy Chief of Staff for Policy
Dorien Blythers, Deputy Chief of Staff for Operations
Wes Carpenter, Acting Deputy Chief of Staff
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 11, 2021

OFFICE OF
RESEARCH AND DEVELOPMENT

MEMORANDUM

SUBJECT: Recusal Statement

FROM: H. Christopher Frey
Deputy Assistant Administrator for Science Policy

A handwritten signature in black ink, appearing to read "HCF", is placed to the right of the "FROM:" line.

TO: Jennifer Orme-Zavaleta
Acting Assistant Administrator for Research and Development

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and have been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by the criminal financial conflict of interest law, 18 U.S.C. § 208(a), I may not participate personally and substantially in any particular matter having a direct and predictable effect on my financial interests, or the financial interests of a person or entity whose financial interests are imputed to me, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption as outlined in 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse and minor child; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised by OGC/Ethics that I have a financial interest in **North Carolina State University (NC State)** and the **Hong Kong University of Science & Technology (HKUST)** from which I have taken a two-year, unpaid leave of absence. Therefore, I may not participate personally and substantially in any particular matter that, to my knowledge, has a direct and predictable effect on the financial interests of either entity unless I first obtain a written waiver or my participation is permitted by a regulatory exemption, including the exemption for employees on leave from institutions of higher learning allowing participation in certain matters of general applicability at 5 C.F.R. § 2640.203(b). This latter exemption allows me to participate in a particular matter of general applicability, such as a rulemaking, so long as it does not have a distinct effect on either of the institution other than as part of class.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989 (the Ethics Pledge)

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I have additional ethics obligations with respect to the **Health Effects Institute**, which is a former client of my consulting firm, the Energy, Air, and Risk Associates, LLC¹, as well as **Emisia SA (Greece)**, and the **Hong Kong Environmental Protection Department**, for which I provided personal services. The Executive Order provides more restrictions than the federal ethics rules and require that I recuse myself from participating in EPA matters in which any of these entities is a party or represents a party for two years from my EPA appointment date, or **until January 31, 2023**, unless I receive a waiver of these provisions by the EPA Designated Agency Ethics Official after consultation with the White House.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, then I could attend such a meeting even if one of the stakeholders is a former employer or former client.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards at 5 C.F.R. § 2635.502(a), I have a “covered relationship” with **NC State** and the **HKUST** during the period of my leaves of absence and for one year thereafter. Therefore, I may not participate in a particular matter involving specific parties in which any of these entities is a party or represents a party during the time period of my recusal, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d).

DIRECTIVE AND CONCLUSION

To avoid participating in all of the matters outlined above from which I am recused, please direct them to the attention of **Elizabeth Blackburn, Chief of Staff**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

¹ During my tenure at EPA, I will not accept consulting work for my sole proprietorship or through Energy, Air, and Risk Associates, LLC of which I am the sole member.

² See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

cc: Justina Fugh, Director, Ethics Office
Elizabeth Blackburn, Chief of Staff
Chris Robbins
Bruce Rodan
Carolyn Hubbard
Louis D'Amico
Pradnya Bhandari
Emily Trentacoste
Rachel Matney
Mark McPherson
Anna Hassan
Nathan Gentry



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Melissa Hoffer **Melissa A. Hoffer**
Acting General Counsel

Digitally signed by
Melissa A. Hoffer
Date: 2021.08.17
19:01:06 -04'00'

TO: Michael S. Regan
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989 AND THE IMPARTIALITY PROVISIONS

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, political appointees are subject to additional ethics obligations with respect to their former employers. Because my former employer is the **Commonwealth of Massachusetts**, however, I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employers do not apply to me. The definition of "former employer" in the Executive Order excludes state governments.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

I understand that I nonetheless have a "covered relationship" with my former employer for the purposes of the federal impartiality standards. Unless I first sought and obtained approval from an ethics official, I would not be permitted to participate in any specific party matter in which my former employer was a party or represented a party. On January 19, 2021, EPA's Alternate Designated Agency Ethics Official issued a limited impartiality determination to permit me, upon joining EPA, to participate in discussions and meetings related to policy

¹ See Executive Order 13989 (1/20/2021) Section 2, Paragraph k.

decisions about litigation, given the change in administration. Provided that I did not work on the underlying merits of any of the cases, I was authorized to make policy decisions regarding pending litigation, including specific party matters in which the Commonwealth of Massachusetts was a party or intervenor, even if I had previously participated personally and substantially. *See* attachment 1. On February 2, 2021, EPA's Alternate Designated Ethics Official issued an impartiality determination authorizing me to participate in new or future specific party matters that involve the Commonwealth of Massachusetts, but not any of the very same specific party matters on which I worked personally and substantially. *See* attachment 2.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under applicable bar rules, I recognize that I am obliged to protect the confidences of my former employers/clients. I also understand that I cannot participate in any matter that is the same as the specific party matter that I participated in personally and substantially previously, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. I have received such consent to participate in a matter in connection with the Merrimack Generation Station in New Hampshire that I worked on previously. *See* attachment 3. The list of cases from which I am personally recused and will therefore not participate is included as attachment 4.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

DIRECTIVE AND CONCLUSION

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Jim Payne, Deputy General Counsel for Environmental**

Media and Regional Law Offices, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Elise Packard, Deputy General Counsel for Operations
OGC Associates and Directors
Regional Counsels
Daniel Conrad, Acting Associate Deputy General Counsel

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 19, 2021

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Ya-Wei (Jake) Li
Deputy Assistant Administrator for Pesticide Programs,
Office of Chemical Safety and Pollution Prevention

YA-WEI LI
Digitally signed
by YA-WEI LI
Date: 2021.08.19
08:46:45 -04'00'

TO: Michal Ilana Freedhoff
Assistant Administrator,
Office of Chemical Safety and Pollution Prevention

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, or any former client to whom I provided services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, these recusals last for two years from the date that I joined federal service, or until June 28, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employers do not apply to me for my former clients, the University of Illinois and Texas A&M University. The definition of “former employer” excludes an entity of a state government, including a state university.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former clients for the University of Illinois or Texas A&M University.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” I will consult with OGC/Ethics.

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13989 In effect until June 28, 2023	
FORMER EMPLOYER: Environmental Policy Innovation Center (EPIC) Sand County Foundation	
FORMER CLIENTS: CropLife America Corteva Agriscience LPC Conservation, LLC	Electric Power Research Institute (EPRI) Perkins Coie, LLP

¹ See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

² See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with any former client that is a state university. Therefore, I may not participate in a particular matter involving specific parties in which the **University of Illinois** or **Texas A&M University** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the day I last provided services, which is March 1, 2022 for the University of Illinois and June 17, 2022 for Texas A&M University.

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I previously participated in personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

DIRECTIVE AND CONCLUSION

To avoid participating in matters from which I am recused, please direct those matters to the attention of Jonah Richmond, Special Assistant, without my knowledge or involvement. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Rick Keigwin, Deputy Assistant Administrator for Management
Tom Tyler, Chief of Staff
Hayley Hughes, Acting Director for Office of Program Support
Catie Diaz, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Janet McCabe
Deputy Administrator

Janet
McCabe

Digitally signed by Janet
McCabe
Date: 2021.06.15
19:39:14 -04'00'

TO: Michael S. Regan
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I have been advised that I have no financial conflicts of interest at this time.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, the **Environmental Law and Policy Center**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after April 29, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me for Indiana University. The definition of “former employer” excludes an entity of a state government, including a state university.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for Indiana University.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a state university. Therefore, I may not participate in a particular matter involving specific parties in which **Indiana University** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts until after April 29, 2022, which is one year after I resigned from the university.

I also have a “covered relationship” with my spouse’s current employer, **Indiana Legal Services, Inc.** Although it is unlikely that either his employer or he will have any business before the EPA, I will not participate personally and substantially in any particular matter involving specific parties in which I know his employer is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal remains in effect for the duration of my tenure at EPA and/or my spouse’s current employment.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

¹ See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

² See OGE Advisory DO-09-011 (3/26/09).

personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

DIRECTIVE AND CONCLUSION

To avoid participating in matters from which I am recused, please direct them to the attention of **Andrea Drinkard, Special Assistant**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Dan Utech, Chief of Staff
Assistant and Acting Assistant Administrators
Acting Regional Administrators
Alison Cassady, Deputy Chief of Staff for Policy
Dorien Blythers, Deputy Chief of Staff for Operations
Wesley J. Carpenter, Acting Deputy Chief of Staff
Kathleen Lance, Director of Scheduling and Advance
John Lucey, Special Assistant to the Administrator
James Payne, Designated Agency Ethics Official and Deputy General Counsel for
Environmental Media and Regional Law Offices
Justina Fugh, Alternate Designated Agency Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Updated Recusal Statement

FROM: Joseph Goffman
Acting Assistant Administrator

JOSEPH
GOFFMAN

Digitally signed by
JOSEPH GOFFMAN
Date: 2021.06.30
12:48:36 -04'00'

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed. This recusal statement replaces and supersedes the recusal statement I signed on April 8, 2021.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Harvard University**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."¹ Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Particular Matters Involving Specific Parties

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS			
Abbot Laboratories	Abbvie	Accenture PLC	Agilent Technologies
Alphabet Inc	Altria Group	Amazon	American Express
Ameriprise Financial	Apple, Inc.	Arthur J Gallagher	AT&T
Becton Dickinson	Centene Corp	Charter Communications	Cisco Systems
Colgate Palmolive	Comcast	Costco	Danaher Corp
Deere & Co.	Discover Financial	Disney	Dollar Tree Inc
Facebook	Fidelity	First Rep Bank	Glaxo Smith Kline
IBM	Johnson & Johnson	JP Morgan Chase	Lab Co of America Holding
Markel Corp	Martin Marietta Materials Inc	Meditronic PLC	Merck & Co.
Mettler Toledo Intl	Microsoft	Mondelez International	Monster Beverage
Nestle S.A.	Nike	Novartis AG	Omnicom Group
PayPal	PepsiCo	Pfizer Inc.	Philip Morris
Proctor & Gamble Co.	PNC Financial	Roche Holding AG	SalesForce
Sherwin Williams	Spotify	Starbucks Corp	State Street
TJX	Truist Financial Corp	United Health Group	US Bancorp
Verizon Comm	Visa	Wells Fargo	Zoetis, Inc.

Particular Matters of General Applicability

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST – INDIVIDUAL SECTORS		
Agricultural & Farm Machinery	Apparel, Accessories, & Footwear	Banks
Commodity Chemicals (Paint)	Construction Machinery & Heavy Trucks	Construction Materials
Cruise lines	Diversified Financials	Food & Staples Retailing
Healthcare Equipment & Services	Household & Personal Products	Household Appliances (lawn & garden tools)
Insurance	Internet & Direct Marketing Retail	Logistics
Media & Entertainment (including interactive media and services, and advertising)	Non-Alcoholic Beverages	Packaged Foods & Meats (snack food)
Pharmaceuticals, Biotechnology, & Life Sciences	Professional Services	Software & Services
Technology Hardware & Equipment	Telecommunication Services	Tobacco

Corporate Bonds

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings:

RECUSAL LIST – BONDS			
Amgen, Inc.	Anthem, Inc.	Apple, Inc.	Comcast Corporation
General Dynamics Corporation	Morgan Stanley	Starbucks Corporation	State Street Corporation

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Ann Ferrio, Chief of Staff, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Ann (Campbell) Ferrio, Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Marianne Engelman-Lado
Deputy General Counsel for Environmental Initiatives

EngelmanLado, Marianne
Digitally signed by
EngelmanLado, Marianne
Date: 2021.06.30
17:03:47 -04'00'

TO: Melissa Hoffer
Acting General Counsel

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer or former client is a party or represents a party. Set forth in the charts below are my former employers and former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.¹ I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end **January 31, 2023**.

Former Employer
Vermont Law School Yale University Poverty & Race Research Action Council WE ACT for Environmental Justice African American Policy Forum Center for Public Representation

¹ For any former client that is not listed, I understand that I am personally obliged not to participate in specific party matters involving that former client for the duration of my ethics obligations.

Former Client ²
<p>Ashurst Bar/Smith Community Organization</p> <p>Californians for Renewable Energy</p> <p>Center for Whole Communities</p> <p>Citizens for Alternatives to Radioactive Dumping</p> <p>Clean Power Lake County</p> <p>Community Action Works</p> <p>Concerned Citizens of West Baden Community</p> <p>EarthJustice</p> <p>Friends of the Earth</p> <p>North Carolina Climate Solutions Coalition</p> <p>North Carolina Environmental Justice Network</p> <p>REACH</p> <p>Sierra Club</p> <p>St. Croix Environmental Association Limetree Bay SEA</p> <p>St. Francis Prayer Center</p> <p>Waterkeeper Alliance</p>

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me for my former client, the University of Vermont. The definition of “former employer” excludes an entity of a state government, including a state university.³ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former clients for the University of Vermont.

On April 14, 2021, EPA’s Designated Agency Ethics Official, in consultation with the Counsel to the President, granted me a limited waiver of the provisions of Section 1, Paragraph 2 of Executive Order 13989 for one of my former clients, the Natural Resources Defense Council (NRDC). Similarly, on June 24, 2021, EPA’s Alternate Designated Agency Ethics Official issued an impartiality determination with respect to my former client, NRDC, under 5 C.F.R. 2635.502(d). I am now authorized to participate in specific party matters arising at EPA in which my former client, NRDC, is a party or represents a party, provided that I did not previously participate personally and substantially in that same matter for NRDC or any other party. *See Attachments.*

² Natural Resources Defense Council (NRDC) is not included here as a “former client” because of the April 14, 2021 Ethics Pledge waiver that I received, as well as the June <date>, 2021 impartiality determination. I was, however, recused from participating in specific party matters in which NRDC was a party from my entry into EPA until April 14, 2021, and I remain recused from any specific party matters in which NRDC is a party if I participated personally and substantially previously in that same matter.

³ *See* Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

I have been advised by OGC/Ethics that, for the purposes of my pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”⁴ Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with a former client, which is a state university. Therefore, I may not participate in a particular matter involving specific parties in which **University of Vermont** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the day I last provided services, which is **January 31, 2022**.

Pursuant to the federal ethics rules, I understand that I have a covered relationship with my spouse and his employer, Northwell Health. *See* 5 C.F.R. § 2635.502(b)(1)(ii)-(iii). I will recuse from specific party matters where my spouse or Northwell Health is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

⁴ *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former employers and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Set forth below are the cases pending at EPA in which I participated and from which I am recused for the entirety of my tenure at EPA:

CASE DESCRIPTION / SUBJECT MATTER	CASE CITATION
Litigation challenging EPA's enforcement of Title VI.	<i>Californians for Renewable Energy v. EPA</i> , case no. 4:15-cv-03292-SBA
Freedom of Information Request regarding ECRCO's docket.	EPA-2021-000375
Opposition to a Plantwide Applicability Limit permit decision.	In re: Limetree Bay Terminals, L.L.C. and Limetree Bay Refining, L.L.C., C.A.A. Appeals No.20-02M
Complaint alleging discrimination in violation of Title VI and 40 C.F.R. Part 7, related to the New Mexico Environmental Department's issuance of a treatment, storage, and disposal permit.	EPA File No. 09R-02-R6
Complaint alleging discrimination in violation of Title VI and 40 C.F.R. Part 7 related to the Texas Commission on Environmental Quality's failure to provide effective public notice and access to TCEQ's programs.	TCEQ 02NO-20-R6
Complaint alleging discrimination in violation of Title VI and 40 C.F.R. Part 7 related to the City of Flint's administration of the Safe Drinking Water act and failure to implement procedures for addressing compliance with EPA's non-discrimination regulation.	City of Flint 19RD-16-R5

Complaint alleging discrimination in violation of Title VI and 40 C.F.R. Part 7 related to Genesee County's administration of the Safe Drinking Water act and failure to implement procedures for addressing compliance with EPA's non-discrimination regulation.	Genesee County 18RD-16-R5
FOIA appeal of a request for records related to an EPA investigation of North Carolina's Department of Environmental Quality handling of CAFOs.	FOIA Appeal No. EPA-HQ-2020-001148

DIRECTIVE AND CONCLUSION

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices**, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Elise Packard, Deputy General Counsel for Operations
OGC Associates and Directors
Regional Counsels
Daniel Conrad, Acting Associate Deputy General Counsel

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Limited Waiver from Section 1, Paragraph 2 of Executive Order 13989

FROM: James Payne **JAMES PAYNE**
Deputy General Counsel for Environmental Media and Regional Law Offices,
and Designated Agency Ethics Official

TO: Marianne Engelman-Lado
Deputy General Counsel for Environmental Initiatives

Digitally signed by JAMES
PAYNE
Date: 2021.04.14
13:21:48 -04'00'

Pursuant to the authority delegated under Section 3 of Executive Order 13989 (January 20, 2021), and after consultation with the Counsel to the President, I hereby grant you a limited waiver from the requirements of Section 1, paragraph 2 of the Executive Order. I certify that this limited waiver is necessary and in the public interest to permit you to participate in certain particular matters in which your former client, the National Resources Defense Council (NRDC), is a party or represents a party, provided that you did not previously participate personally and substantially in the matter with NRDC or any other party.

BACKGROUND

On January 20, 2021, President Biden signed Executive Order 13989, "Ethics Commitments by Executive Branch Personnel," which includes an Ethics Pledge. The Ethics Pledge imposes ethics requirements beyond federal ethics laws and regulations and attorney bar obligations. All individuals appointed to political positions on or after January 20, 2021 are required to sign the Ethics Pledge, which sets forth the "former client"¹ restriction at Section 1, paragraph 2:

I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

You entered federal service at EPA effective January 31, 2021 and received your initial

¹ A "former client" is defined as "any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to speeches or similar appearances. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services." Executive Order 13989, Section 2(1).

ethics training on February 4, 2021, the same day you signed the Ethics Pledge. You have properly recused yourself from participating in any particular matter in which your former employers or any of your former clients is a party or represents a party. The EPA has identified, however, an interest in having you work on particular matters involving one of your former clients – namely, NRDC -- for which you will require a pledge waiver as set forth in Section 3 of Executive Order 13989. Such waivers from the restrictions contained in Section 1, paragraph 2 may be granted upon certification either that the literal application of the restriction is inconsistent with the purpose of the restriction or that it is in the public interest to grant the waiver. With the approval of the White House, the Acting Director of the Office of Management and Budget (OMB) has delegated to each executive branch Designated Agency Ethics Official the authority to exercise Section 3 waiver authority after consultation with the Counsel to the President.²

ANALYSIS

Your career has been devoted to civil rights and environmental justice. Prior to joining the Biden Administration, you directed an Environmental Justice (EJ) Clinic at Vermont Law School that trains students in community lawyering and civil rights enforcement in the environmental justice context, and also served as Lecturer at both the Yale University School of Public Health and the Yale School of the Environment, where you supervised interdisciplinary teams of law, environmental, and public health students working on climate justice issues.

Your experience also includes ten years as General Counsel at New York Lawyers for the Public Interest (NYLPI), a non-profit civil rights law firm, where you directed a legal and advocacy program addressing racial and ethnic disparities in access to health care, environmental justice, and disability rights. You began your legal career as a staff attorney at the NAACP Legal Defense and Educational Fund, Inc. (LDF), where you represented clients attempting to break barriers of access to health care and quality education. You recently served as co-chair of the Equity and Environmental Justice Working Group of Connecticut's Governor's Council on Climate Change, and as a board member of both WE ACT for Environmental Justice and the Center for Public Representation. You have lectured widely and taught graduate, law, and undergraduate level courses. You also hold a B.A. in government from Cornell University, a J.D. from the University of California at Berkeley, and an M.A. in Politics from Princeton University.

PREVIOUS INVOLVEMENT IN FOIA CASES WITH NRDC

During the two-year period prior to your federal appointment, on behalf of the EJ Clinic you directed (first at Yale University and then at Vermont Law School), you and co-counsel Southern Environmental Law Center submitted requests for certain EPA records pursuant to the Freedom of Information Act (FOIA). These FOIA requests were made on behalf of three client groups that included NRDC. This limited waiver applies only to NRDC.

² See Office of Government Ethics Legal Advisory, LA-21-04 (Feb. 18, 2021).

The requests asked for information related to EPA's Title VI of the Civil Rights Act of 1964 (Title VI) docket, including complaints, acknowledgments, jurisdictional decisions, referrals and any dispositive decisions. Upon release of EPA's responsive records, the student team under your supervision reviewed the documents and discussed legal options in consultation with co-counsel and at the direction of the clients. Approximately four FOIA requests were submitted on behalf of these client groups, the first of which was in 2017 while you were at Yale University. You received no compensation specifically for this FOIA-related work that was distinct from your salary provided by your employers for running and supervising a clinic and serving as faculty. Although there were follow-up conversations with employees in EPA's External Civil Rights and Compliance Office (ECRCO) within the Office of General Counsel (OGC), they were limited to the FOIA response. There have been no legal challenges, appeals or litigation related to these FOIA requests.

YOUR OFFICIAL DUTIES ON BEHALF OF EPA

OGC serves as the chief legal advisor to the EPA Administrator and implements the nation's environmental laws. OGC also provides legal counsel to EPA policymakers and represents the Agency in court challenges to agency actions. In your position as Deputy General Counsel for Environmental Initiatives, you have responsibilities within OGC for the External Civil Rights Compliance Office, the Civil Rights and Finance Law Office, and the Pesticides and Toxic Substances Law Office (PTSLO). PTSLO is responsible for legal issues and related litigation for the Office of Chemical Safety and Pollution Prevention (OCSPP) in connection with OCSPP's regulatory efforts addressing pesticides and toxic chemicals governed respectively by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). Similarly, PTSLO also provides legal support for OCSPP related to the Pollution Prevention Act (PPA) and the Toxics Release Inventory (TRI), the program under the Emergency Planning and Community Right-To-Know Act (EPCRA) that informs citizens about toxic releases in their communities. NRDC is frequently involved in these regulatory areas and is often named as a party to the litigation that PTSLO addresses.

In the position of Deputy General Counsel for Environmental Initiatives, your participation in the review and direction of substantive environmental legal matters under FIFRA, TSCA, and TRI is critical to PTSLO's effectiveness in these areas. Although EPA currently has two other political appointees in OGC, both have their own bar and pledge obligations to observe with respect to matters arising in PTSLO. Consequently, there is an overlap of recusals that is impinging the ability of OGC to interact with our political leadership in certain nationally significant issues related to public health and the environment that are important priorities of the Administration. With respect to the other OGC political appointees, one is recused because NRDC is her "former employer" for purposes of Executive Order 13989, while the other appointee is recused given prior involvement as an employee in a State government. Your restriction is due solely to prior service in discrete and limited situations that are unrelated to FIFRA, TSCA and TRI.

For the two years prior to your EPA appointment, the services you personally provided to NRDC were limited to those Title VI-related FOIA requests. You did not provide advice or counsel to NRDC or otherwise enter into an attorney-client relationship with them and received

no compensation from them. The nature of your previous affiliation with NRDC does not relate in any way to their involvement in non-Title VI matters, such as OCSPP litigation or regulatory actions, arising at EPA. During the time period relevant to Section 1, paragraph 2 of the Ethics Pledge, you had no involvement on behalf of NRDC with the types of litigation PTSLO handles.

CONCLUSION

In your position as the Deputy General Counsel for Environmental Initiatives, you must be able to advise senior leadership, including the Administrator, and provide legal counsel and vital input into the Agency's programs and litigations that address pesticides and toxic chemicals. Your prior involvements with NRDC was limited in scope and focused only on a handful of FOIA requests.

For the reasons set forth above, I grant you a limited waiver of the provisions of Section 1, paragraph 2 of Executive Order 13989 to enable you to effectively carry out your duties as Deputy General Counsel of Environmental Initiatives; to ably advise senior leadership, including the Acting General Counsel, and the Administrator; and to advance the interests of the Agency. The services you provided to NRDC, during the two years prior to your federal appointment were limited to discrete Title VI FOIA requests. I have determined that it is in the public interest for you to participate in certain specific party matters involving this former client due to your critical role and responsibilities associated with PTSLO. I find that the nature of your previous Title VI work should not restrict your ability to provide your legal counsel, vital input, and toxics expertise on litigation related to the Agency's pesticides and toxic chemicals program.

This limited waiver encompasses any such specific party matters arising at EPA where NRDC is a party or represents a party, and you did not previously participate personally and substantially while serving as an attorney for them or any other party. You are allowed to participate in those specific party matters, including meetings or communications relating to your official duties, where NRDC is present. However, you will remain recused from those specific party matters, including Title VI matters and FOIA requests, in which your former client is a party or if you participated personally and substantially previously. This limited waiver does not otherwise affect your obligations to comply with all other applicable federal ethics laws and regulations and provisions of Executive Order 13989, as well as your own attorney bar obligations.

cc: Dana Remus, Counsel to the President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Impartiality Determination to Participate in Certain Specific Party Matters
Involving the Natural Resources Defense Council

FROM: Justina Fugh Digitally signed by Justina Fugh
Date: 2021.06.24
22:33:48 -04'00'
Alternate Designated Agency Ethics Official and
Director, Ethics Office

TO: Marianne Engelman-Lado
Deputy General Counsel for Environmental Initiatives

Prior to entering federal service on January 31, 2021, you directed two environmental justice clinics --first at Yale University and then at Vermont Law School – both of which provided legal services to clients and trained law students in community lawyering and civil rights enforcement. As part of the Vermont Law School environmental justice clinic, you and co-counsel Southern Environmental Law Center (SELC) submitted requests for certain EPA records pursuant to the Freedom of Information Act (FOIA) on behalf of several clients, including the Natural Resources Defense Council (NRDC).

Because NRDC was a “former client” of yours for federal ethics purposes and under Executive Order 13989, you could not participate in any specific party matter involving this entity unless you first sought and obtained ethics approval. The Designated Agency Ethics Official granted you a waiver from the Executive Order on April 14, 2021, and this memorandum formally confirms my impartiality determination granted orally on that same date.

NEED FOR A PLEDGE WAIVER

Pursuant to Executive Order 13989, you signed the Ethics Pledge and are prohibited from participating in specific party matters in which your former employer or former client (as defined in Section 2, paragraphs (k) and (l)) is a party or represents a party. Mindful of the fact that you had previously provided limited legal services to NRDC solely in the context of FOIA, and given the Agency’s interest in having your participation in environmental matters with NRDC that are unrelated to FOIA, the EPA sought a waiver of the provisions of Section 1, paragraph 2 of the Executive Order on your behalf. This limited waiver, which was granted on April 14, 2021, authorized you to participate personally and substantially in specific party matters arising at EPA in which your former client, NRDC, is a party, provided that you did not previously participate personally and substantially in that same matter for NRDC or any other party. *See attachment.*

NEED FOR IMPARTIALITY DETERMINATION

What remains is an impartiality concern under the federal ethics rules set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, Subpart E, “Impartiality in Performing Official Duty.” For one year from the date you last provided services to NRDC, you have a “covered relationship” with them pursuant to 5 C.F.R. § 2635.502(b)(1)(iv). Absent an impartiality determination from me, you still cannot participate in any specific party matter in which NRDC is a party if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. *See* 5 C.F.R. § 2635.502(a). Although I granted this determination informally previously, I am confirming it in writing now.

Federal ethics regulations permit federal employees to participate in matters that might raise impartiality concerns when the interest of the federal government in the employee’s participation outweighs concern over the questioning of the “integrity of the agency’s programs and operations.” 5 C.F.R. § 2635.502(d). The factors that EPA takes into consideration are:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of the employee’s role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter to another employee; and
- (6) adjustments that may be made in the employee’s duties that would reduce or eliminate the likelihood that a reasonable person would question the employee’s impartiality.

Because I conclude that the interest of the United States Government in your participation outweighs any concerns about your impartiality, I am authorizing you to participate as Deputy General Counsel for Environmental Initiatives in specific party matters in which NRDC is a party, provided that you did not participate personally and substantially in the matter previously with NRDC or any other party. In making this determination to enable you to effectively carry out your duties as a Deputy General Counsel and to advance the interests of the Agency, I have taken the following factors into consideration:

Nature of the relationship involved – Your career has been devoted to civil rights and environmental justice. After graduating with your B.A. in government from Cornell University, a J.D. from the University of California at Berkeley, and an M.A. in Politics from Princeton University, you served as a staff attorney at the NAACP Legal Defense and Educational Fund, Inc., where you represented clients attempting to break barriers of access to health care and quality education. You also served for ten years as General Counsel at New York Lawyers for the Public Interest (NYLPI), a non-profit civil rights law firm, where you directed a legal and advocacy program addressing racial and ethnic disparities in access to health care, environmental justice, and disability rights. In addition to lecturing and teaching about environmental justice, you also directed environmental justice clinics at Vermont Law School and Yale University.

Throughout your career, you have represented individual clients and nonprofits alike on a broad array of environmental law and environmental justice issues. Although NRDC frequently interacts with the Agency on regulatory matters and in litigation, I note that your own previous affiliation with NRDC was limited in scope. As set forth in the Biden pledge waiver issued on April 14, 2021, your previous service to NRDC was limited to FOIA requests on Title VI inquiries only, not related to any actual or underlying Title VI matters. In fact, you did not otherwise serve as the attorney of record for NRDC. Therefore, your prior relationship with NRDC does not weigh against you for the purposes of this factor.

Effect of the matter upon your financial interest – NRDC did not compensate you directly for your services; instead, any financial remuneration was paid to your former employer, Vermont Law School. You do not have a financial conflict of interest with the Vermont Law School.¹

Nature and importance of the employee's role – In addition to serving as the chief legal advisor to EPA and implementing the nation's environmental laws, the Office of General Counsel also provides legal counsel to EPA policymakers and represents the Agency in defense of agency actions. In the position of a Deputy General Counsel, you must be able to advise senior leadership and provide legal counsel and vital input into the Agency's programs and litigations, including those that address pesticides and toxic chemicals among other areas. Your invaluable knowledge and experience are of great importance in advocating the interests of the Agency and in advising the Acting General Counsel and Administrator.

Sensitivity of the matter – We anticipate that specific party matters in which NRDC is a party and that did not involve you personally and substantially may arise during your EPA tenure that will merit your attention and participation because they raise nationally significant issues.

Difficulty of reassigning the matter to another employee – Although EPA currently has two other political appointees in OGC, both have their own bar and pledge obligations to observe with respect to matters arising in the Office of General Counsel. Consequently, there is an overlap of recusals that is impinging the ability of the Office of General Counsel to interact with its political leadership on certain nationally significant issues related to public health and the environment that are important priorities of the Administration. With respect to the other political appointees, one is recused because NRDC is her "former employer" for purposes of Executive Order 13989, while the other appointee is recused given prior service as an employee in a State government. Your participation as part of your official duties as a Deputy General Counsel is of importance to the continued functioning and continuity of the Office of General Counsel and, therefore, is in the Agency's interests.

Under this limited authorization, you may participate personally and substantially in specific party matters that involve NRDC, so long as they are not the very same specific party matters on which you worked personally and substantially for NRDC or any other party. You will be allowed to participate in these specific party matters, including meetings or communications related to your official duties, where NRDC is present. However, you will

¹ See note to 5 C.F.R. § 2640.201(c).

remain recused from those specific party matters, including Title VI matters and FOIA requests, in which your former client is a party or if you participated personally and substantially previously. You will otherwise fully comply with the remainder of the requirements imposed by the Executive Order 13989 and with all applicable federal ethics laws and regulations, as well as your own attorney bar obligations.

If you have any questions regarding this determination, or if a situation arises in which you need advice or clarification, please contact me at fugh.justina@epa.gov or (202) 564-1786.

Attachment

cc: Melissa Hoffer, Acting General Counsel
Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Elise Packard, Deputy General Counsel for Operations Programs
OGC Associates and Directors
Regional Counsels
Daniel Conrad, Acting Associate Deputy General Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Radhika K. Fox
Principal Deputy Assistant Administrator

**RADHIKA
FOX**

Digitally signed by
RADHIKA FOX
Date: 2021.06.16
06:07:39 -07'00'

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **U.S. Water Alliance, Jobs to Move America, PolicyLink, and the Aspen Institute**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."¹ Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Particular Matters Involving Specific Parties

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS			
3M	Caterpillar, Inc.	JP Morgan & Chase	Raytheon Technologies Corp.
Abbot Laboratories	Centene Corp.	Mastercard, Inc.	SalesForce
Abbvie, Inc.	Chevron Corp.	Medtronic PLC	Starbucks Corp.
Alphabet, Inc.	Citigroup, Inc.	Metlife, Inc.	Traveler's
Amazon	Coca-Cola Co.	Microsoft	UPS
Amgen, Inc.	Comcast Corp.	Morgan Stanley	U.S. Bancorp
Anthem, Inc.	Costco	Nike, Inc.	United Health Group
Apple, Inc.	Exxon Mobil Corp.	Novartis AG	Valero Energy
Bank of America	Facebook, Inc.	Nvidia Corp	Verizon Communications
Bank of Montreal	FedEx Corp.	OTIS Worldwide Corp.	Visa, Inc.
Berkshire Hathaway	Home Depot, Inc.	PepsiCo, Inc.	Walt Disney
BHP Group	Honeywell International, Inc.	Pfizer, Inc.	
Boeing Co.	Intel, Corp.	PNC Financial Services	
Carrier Global Corporation	Johnson & Johnson	Proctor & Gamble	

Particular Matters of General Applicability

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST –SECTORS		
Aerospace & Defense	Apparel, Accessories, Footwear, & Luxury Goods	Banks
Beverages	Building Products	Consumer Finance
Diversified Financial Services	Electrical Equipment	Food & Staples Retailing
Healthcare Equipment & Services	Home Improvement Retail	Hotels, Resorts, & Cruise Lines
Household & Personal Products	Insurance	Internet & Direct Marketing Retail
Machinery	Media & Entertainment	Oil & Gas – Downstream, Midstream, Upstream
Pharmaceuticals, Biotechnology, & Life Sciences	Renewable Energy Sources (Solar, Wind, Geothermal, Hydro)	Software & Services
Specialty Chemicals	Technology Hardware & Equipment	Telecommunication Services
Transportation (Air Freight & Logistics; Marine, Road & Rail)	Utilities	

Bonds

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings.

RECUSAL LIST – BONDS	
New Jersey Turnpike Authority	San Juan Unified School District, California
New Jersey Economic Development Authority	Public Works Board, California
State of New Jersey	William S. Hart School District, California
Union County, New Jersey	Chaffey Community College District, California
Carteret, New Jersey	Chabot Las Positas Community College District, California
Orange Township, New Jersey	City and County San Francisco, California
State of California	Long Beach, California

Certificate of Divestiture

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal ethics rules, I understand that I have a covered relationship with the **Water Solutions Network**, as within the last year I served on their Advisory Council, though I was unpaid and did not have any fiduciary obligations. 5 C.F.R. § 2635.502(b)(v). Therefore, I am recused from working on any specific party matters where the Water Solutions Network is a party or represents a party, for one year from the date of my resignation. This recusal period will expire after **January 20, 2022**.

I also have a covered with my spouse and my spouse's employer, Direct Commerce, Inc. See 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I will recuse from specific party matters where my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

DIRECTIVE AND CONCLUSION

To avoid participating in all of the matters outlined above from which I am recused, please direct them to the attention of **Benita Best-Wong, Deputy Assistant Administrator**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Benita Best-Wong, Deputy Assistant Administrator
OW Office Directors
Justina Fugh, Director, Ethics Office
Louise Kitamura, OW/IO Assistant Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement Chaudhary, Dimple
FROM: Dimple Chaudhary Digitally signed by Chaudhary, Dimple
Deputy General Counsel for Nationwide Resource Protection Programs Date: 2021.04.27 19:59:08 -04'00'

TO: Melissa Hoffer
Acting General Counsel

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **National Resources Defense Council**, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service, or until January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former client, NRDC, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Set forth below are the cases pending at EPA in which I participated and from which I am recused for the entirety of my tenure at EPA:

CASE NAME and/or SUBJECT MATTER	CITATION and/or DESCRIPTION:
Consent Decree Implementation of Agency's failure to issue a worst-case spill regulation for non-transportation-related-substantial-harm facilities	<i>Environmental Justice Health Alliance for Chemical Policy Reform, NRDC, et al. v. EPA</i> , Case No. 19-cv-2516, SDNY
Challenge to Methylene chloride rule	<i>Labor Council for Latin America, NRDC, et al. v. EPA</i> , Case No. 19-1042, 2d Cir.
Challenge to use of tetrachlorvinphos on pets	<i>NRDC v. Wheeler</i> , Case No. 20-72794, 9th Cir.
Provided individual counseling to plaintiffs in Flint water crisis	<i>Walters v. Flint, EPA, et al.</i> , Case No. 17-10164, E.D. Mich.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal ethics rules, I understand that I have a covered relationship with my spouse and my spouse's employer, Jenner & Block. *See* 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I will recuse from specific party matters where my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I have asked the Deputy General Counsel for Environmental Media and Regional Law Offices, Jim Payne, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to him without my knowledge or involvement. If Jim determines I am recused, then he will take action or refer it for action or assignment to another, without my knowledge or involvement.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Elise Packard, Deputy General Counsel for Operations
Daniel Conrad, Acting Associate Deputy General Counsel
OGC Associate General Counsels
Regional Counsels
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Susannah Weaver
Senior Counselor, Office of General Counsel

Susannah L. Weaver
Digitally signed by
Susannah L. Weaver
Date: 2021.08.13
14:28:19 -04'00'

TO: Melissa Hoffer
Acting General Counsel

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer or former client is a party or represents a party. Set forth in the charts below are my former employer and former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.¹ I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **June 27, 2023**.

Former Employer	
Donahue, Goldberg, & Littleton, LLP	
Former Clients	
Adirondack Council	Google LLC
Advanced Micro Devices, Inc.	Hewlett Packard Enterprise Company
Amazon.com, Inc.	Public Health Law Center
Bates White LLC	SAP America, Inc.
Bloomberg L.P.	Square, Inc
Box, Inc.	Uber Technologies, Inc.
Environmental Defense Fund	Waymo, LLC

¹ For any former client that is not listed, I understand that I am personally obliged not to participate in specific party matters involving that former client for the duration of my ethics obligations.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Attached is a list of the cases in which I participated and from which I am recused for the entirety of my tenure at EPA.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised by OGC/Ethics that I have an imputed financial interest based on my position as a member of the Board of Visitors of Georgetown University Law Center. I have received approval from OGC/Ethics for my outside activity as a member of the Board of Visitors of Georgetown University Law Center, and I understand that the interests of the University are imputed to me under the financial conflict of interest statute. Therefore, I cannot participate personally and substantially in any particular matter that will have a direct and predictable effect on **Georgetown University** as a specific party or as a member of an affected class, unless I first obtain a written waiver.

² See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

Particular Matters Involving Specific Parties

Given the value of my financial holdings, I am disqualified from participating personally and substantially in any particular matter that affects **SunRun** or **SolarEdge** as a specific party.

Particular Matters of General Applicability

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sector” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the one listed below, then I understand that I do not have a financial conflict of interest.

Based on my current level of financial ownership, I am disqualified from participating personally and substantially in any matter of general applicability that targets the **Semiconductors** sector.

Certificate of Divestiture

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

DIRECTIVE AND CONCLUSION

To avoid participating in any of the matters from which I am recused, please refer those matters to the attention of Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

Attachment

cc: Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
 Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives
 Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
 Elise Packard, Deputy General Counsel for Operations
 OGC Associates and Directors
 Regional Counsels
 Daniel Conrad, Acting Associate Deputy General Counsel

LIST OF RECUSED CASES – Susannah Weaver

CASE NAME & CITATION	DESCRIPTION
<i>State of California v. EPA</i> , No. 21-1035 (and consolidated cases) (D.C. Cir.)	Challenge to Jan. 13, 2021 significant contribution rule
<i>Environmental Defense Fund v. EPA</i> , No. 4:21-cv-00003 (D. Mont.)	Challenge to Jan. 6, 2021 science transparency rule
<i>Environmental Defense Fund v. EPA</i> , No. 20-1360 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 15, 2020 rule to rule weakening emissions standards for volatile organic compounds from oil and gas sources
<i>State of California v. EPA</i> , No. 20-1357 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 14, 2020 rule to remove methane emissions standards and downstream standards for oil and gas sources
<i>Air Alliance Houston v. EPA</i> , No. 20-1268 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 risk and technology review for air toxics from power plants
<i>American Academy of Pediatricians v. Wheeler</i> , No. 20-1221 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 withdrawal of appropriate and necessary finding to regulate toxic pollution from power plants
<i>California v. EPA</i> , No. 19-17480 (9 th Cir)	Suit for injunctive relief requiring the EPA to promulgate its federal landfill emissions plan
<i>Environmental Defense Fund v. EPA</i> , No. 19-1222 (and consolidated case) (D.C. Cir.)	Challenge to Aug. 26, 2019 rule to extend deadlines for implementing landfill emissions guidelines
<i>American Lung Ass'n v. EPA</i> , No. 19-1140 (and consolidated cases) (D.C. Cir.)	Challenge to July 8, 2019 rule rescinding the Clean Power Plan and promulgating the ACE rule
<i>State of Maryland v. EPA</i> , No. 18-1285 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 25, 2018 denial of section 126 petition
<i>State of California v. EPA</i> , No. 18-1139 (and consolidated cases) (D.C. Cir.)	Challenge to April 13, 2018 mid-term evaluation of vehicle emission standards
<i>State of California v. EPA</i> , 4:18-cv-03237 (N.D. Cal.)	Challenge to EPA's failure to fulfill its mandatory duty to implement landfill emission guidelines
<i>State of New York v. Pruitt</i> , No. 1:18-cv-00773 (D.D.C.)	Challenge to EPA's unreasonable delay in fulfilling its mandatory duty to issue oil and gas emission guidelines
<i>North Dakota v. EPA</i> , No. 17-1014 (and consolidated cases) (D.C. Cir.)	Challenge to denial of petition to reconsider CPP
<i>Chesapeake Bay Foundation v. Pruitt</i> , No. 1:17-cv-02939-JKB (and consolidated cases) (D. Md.).	Suit for injunctive relief regarding EPA's failure to take final action on petition filed by the Maryland Department of the Environment
<i>Truck Trailers Manufacturers Ass'n v. EPA</i> , No. 16-1430 (D.C. Cir.)	Challenge to Oct. 25, 2016 rule regulating, among other things, trailers
<i>NRDC v. EPA</i> , No. 16-1425 (D.C. Cir.)	Challenge to EPA's failure to regulate methane emissions in 2012 rule
<i>Nat'l Waste & Recycling Ass'n v. EPA</i> , Nos. 16-1371, 16-1372 (D.C. Cir.)	Challenge to Aug. 19, 2016 rule strengthening new source performance standards and emissions guidelines for landfills
<i>Murray Energy Corp. v. EPA</i> , No. 16-1127 (and consolidated cases) (D.C. Cir.)	Challenge to April 25, 2016 supplemental appropriate and necessary finding to regulate toxic pollution from power plants
<i>State of Wisconsin v. EPA</i> , No. 16-1406 (and consolidated cases) (D.C. Cir.)	Challenge to CASPR
<i>State of West Virginia v. EPA</i> , No. 15-1363 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 23, 2015 Clean Power Plan
<i>American Petroleum Inst. v. EPA</i> , No. 13-1108 (and consolidated cases) (D.C. Cir.)	Challenge to EPA's 2012-2016 rules regulating pollution from oil and gas sources



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Jennifer Macedonia
Deputy Associate Administrator
Office of Policy

JENNIFER
MACEDONIA

Digitally signed by
JENNIFER MACEDONIA
Date: 2021.08.18
09:50:40 -04'00'

TO: Victoria Arroyo
Associate Administrator for Policy

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **JLM Environmental Consulting** (my own consulting firm, now inactive) is a party or represents a party. Under the terms of the Ethics Pledge, this recusal also applies to the following clients whom I served in the two years preceding my appointment and lasts for two years from the date that I joined federal service, or until after June 1, 2023:

FORMER CLIENT
Duke University
Environmental Defense Fund
Meier Engineering Research

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with the **Climate Reality Project**. I may not participate in a particular matter involving specific parties in which they are a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d).

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Chief of Staff, Josh Lewis and Special Assistant, Brent Efron to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to one of them without my knowledge or involvement. If they determine that I am recused, then the Chief of Staff will take action or refer it for action or assignment to another,

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Phillip Fine, Principal Deputy Associate Administrator
Helena Wooden-Aguilar, Deputy Associate Administrator
Josh Lewis, Chief of Staff
Brent Efron, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 1, 2021

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Tomás Elías Carbonell 
Deputy Assistant Administrator for Stationary Sources

TO: Joseph Goffman
Acting Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Environmental Defense Fund**, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service, or until January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”¹ Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal ethics rules, I understand that I have a covered relationship and a one-year cooling off period with any organization in which I was an active participant. Therefore, I am prohibited from participating personally and substantially in any particular matter involving specific parties in which the **Institute for Policy Integrity** (NYU School of Law) is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year after my resignation from this organization.

I have an uncompensated adjunct faculty position with Howard University School of Law, but I am not currently teaching. In the event that I decide to teach in the future, I will consult with OGC/Ethics as appropriate. Thus, I am also prohibited from participating personally and substantially in any particular matter involving specific parties in which the **Howard University School of Law** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following matters:

CASE NAME:	CITATION:
State of California v. EPA	No. 4:18-cv-03237-HSG (N.D. Cal.)
Nat'l Waste and Recycling Assoc., <i>et al.</i> v. EPA, <i>et al.</i>	No. 16-1372 (D.C. Cir.)
Nat'l Waste and Recycling Assoc., <i>et al.</i> v. EPA, <i>et al.</i>	No. 16-1371 (D.C. Cir.)
Environmental Defense Fund v. EPA	No. 19-1222 (D.C. Cir.)
Gas Processors Association v. EPA	No. 15-1473 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 15-1020 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 13-1108 (D.C. Cir.)

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

American Petroleum Institute v. EPA	No. 12-1405 (D.C. Cir.)
Natural Resources Defense Council, <i>et al.</i> v. EPA, <i>et al.</i>	No. 12-1409 (D.C. Cir.)
Natural Resources Defense Council, <i>et al.</i> v. EPA	No. 16-1425 (D.C. Cir.)
American Lung Association v. EPA	No. 19-1140 (D.C. Cir.)
Biogenic CO2 Coalition v. EPA, <i>et al.</i>	No. 15-1480 (D.C. Cir.)
State of North Dakota v. EPA	No. 15-1381 (D.C. Cir.)
Air Alliance Houston v. EPA	No. 20-1268 (D.C. Cir.)
Westmoreland Mining Holdings v. EPA	No. 20-1160 (D.C. Cir.)
American Academy of Pediatrics v. Wheeler	No. 20-1221 (D.C. Cir.)
Chesapeake Bay Foundation v. EPA	No. 13-1200 (D.C. Cir.)
Environmental Defense Fund, <i>et al.</i> v. EPA	No. 4:21-cv-00003-BMM-JTJ (D. Mont.)
California Communities Against Toxics, <i>et al.</i> v. EPA	No. 21-1024 (D.C. Cir.)

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I have asked the Chief of Staff, Ann Ferrio, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines I am recused, then she will take action or refer it for action or assignment to another, without my knowledge or involvement. In the event that the Chief of Staff is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

April 27, 2021

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Michael S. Regan
Administrator

A handwritten signature in black ink that reads "Michael S. Regan".

TO: Acting Assistant Administrators
Acting General Counsel
Inspector General
Acting Regional Administrators

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I have ethics obligations with respect to my former employer, the North Carolina Department of Environmental Quality (NC DEQ). The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of “former employer” excludes state government.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a state government agency. However, on March 11, 2021, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate as Administrator in particular matters that involve the NC DEQ, but not on the very same specific party matters I worked on personally and substantially while employed with the NC DEQ. See attached impartiality determination. Given my previous role at the NC DEQ, I am recusing myself from the following specific party matters:

CASE NAME and/or SUBJECT MATTER:	CITATION and/or DESCRIPTION:
State of California, <i>et al.</i> v. Andrew R. Wheeler, <i>et al.</i>	Case No. 3:20-cv-03005 (N.D. Cal) (litigation involving the definition of WOTUS)
Sierra Club, <i>et al.</i> v. EPA	Case No. 20-1229 (D.C. Cir.) (litigation involving EPA’s April 2020 SIP Call Withdrawal and Air Plan Approval; NC: Large Internal Combustion Engines NOx Rule Changes)
Environmental Committee of the Florida Electric Power Coordinating Group v. EPA	Case No. 15-1239 (D.C. Cir.) (challenge to EPA’s 2015 SIP call)
Round 4 SO2 Designations	As part of the Round 4 SO2 designation, EPA designated Haywood County, NC as attainment/unclassifiable.
Blue Ridge Paper Product Source Specific SIP Revision	In December 2020, EPA approved a source-specific SIP revision for Blue Ridge Paper Products to reduce SO2 emissions from the facility.

If any other specific party matters arise at EPA, in which I participated personally and substantially while at NC DEQ, I understand that I must recuse myself from participating in those particular matters.

¹ See Exec. Order 13989, Section 2(k), which provides that “‘former employer’ does not include...State or local government.”

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Dan Utech, Chief of Staff, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines I am recused, then he will take action or refer it for action or assignment to another, without my knowledge or involvement. In the event that the Chief of Staff is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Dan Utech, Chief of Staff
Alison Cassady, Deputy Chief of Staff for Policy
Dorien Blythers, Deputy Chief of Staff for Operations
Wesley J. Carpenter, Acting Deputy Chief of Staff
Kathleen Lance, Director of Scheduling and Advance
John Lucey, Special Assistant to the Administrator
James Payne, Designated Agency Ethics Official and Deputy General Counsel for
Environmental Media and Regional Law Offices
Justina Fugh, Alternate Designated Agency Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

April 8, 2021

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Joseph Goffman
Acting Assistant Administrator

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Harvard University**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."¹ Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Particular Matters Involving Specific Parties

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS			
Abbot Laboratories	Abbvie	Accenture PLC	Agilent Technologies
Alphabet Inc	Altria Group	Amazon	American Express
Ameriprise Financial	Apple, Inc.	Arthur J Gallagher	AT&T
Becton Dickinson	Broadcom Inc	Canadian National RY	Centene Corp
Champion X Corp	Charter Communications	Cisco Systems	Colgate Palmolive
Comcast	Costco	Danaher Corp	Deere & Co.
Discover Financial	Disney	Dollar Tree Inc	Dover Corp
Eaton Corp	Ecolab Inc.	Facebook	Fidelity
First Rep Bank	Fortive Corp.	Glaxo Smith Kline	Home Depot
IBM	Intel Corp	Johnson & Johnson	JP Morgan Chase
Lab Co of America Holding	Markel Corp	Martin Marietta Materials Inc	Meditronic PLC
Merck & Co.	Mettler Toledo Intl	Microsoft	Mondelez International
Monster Beverage	Nestle S.A.	Nike	Novartis AG
NVIDIA Corp	Omnicom Group	PayPal	PepsiCo
Pfizer Inc.	Philip Morris	Proctor & Gamble Co.	PNC Financial
Qualcomm INC	Roche Holding AG	Roper Technologies	SalesForce
Sherwin Williams	Skyworks Solutions	Spotify	Starbucks Corp
State Street	Texas Instruments	TJX	Truist Financial Corp
United Health Group	US Bancorp	Verizon Comm	Visa
Wells Fargo	Zoetis, Inc.		

Particular Matters of General Applicability

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST – INDIVIDUAL SECTORS		
Advertising	Apparel	Banking
Communications Equipment	Credit Services	Discount Stores
Entertainment	Farm & Heavy Construction Machinery	Footwear
Healthcare Plans	Home Improvement Retail	Household & Personal Products
Information Technology Services	Insurance	Internet Content
Internet Retail	Non-Alcoholic Beverages	Packaged Foods
Paint	Pharmaceuticals & Drug Manufacturing	Restaurants
Scientific & Technical Instruments	Semiconductors	Snack Food
Snack Food	Software	Specialty Chemicals
Specialty Industrial Machinery	Specialty Industrial Machinery	Telecom Services
Tobacco		

Corporate Bonds

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings:

RECUSAL LIST – BONDS			
Amgen, Inc.	Anthem, Inc.	Apple, Inc.	Comcast Corporation
General Dynamics Corporation	Morgan Stanley	Starbucks Corporation	State Street Corporation

Certificate of Divestiture

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Ann Ferrio, Chief of Staff, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Ann (Campbell) Ferrio, Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office